

# National Republican Congressional Committee ELECT

Tom Cole, M.C. Chairman

Pete Kirkham Executive Director COMMISSION RECEIVED

OFFICE OF GENERAFEC MAIL CENTER

COUNSEL

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October 27, 2008

Thomasenia Duncan, Esquire General Counsel Federal Election Commission 999 E Street, NW Washington, DC 20463 MUR # 6/15

Re: Complaint Against Steve O'Donnell and The Committee to Elect Steve O'Donnell

Dear Ms. Duncan:

Pursuant to 2 U.S.C. § 437g(a)(1) and 11 C.F.R. § 111.4, please accept this letter as a Complaint against Steve O'Donnell, a candidate for Congress in the 18<sup>th</sup> District of Pennsylvania, and his campaign committee, The Committee to Elect Steve O'Donnell ("O'Donnell Committee"). The information contained in this complaint is based upon publicly available information and information and belief.

The facts in this matter demonstrate that the Campaign Committee is operating in violation of the Federal Election Campaign Act of 1971, as amended (the "Act"), and Federal Election Commission ("FEC" or "Commission") regulations by failing to file its Pre-General Report with the Commission by the October 23, 2008, deadline, accepting in-kind contributions from prohibited sources, and failing to report these contributions to the Commission. This violation evidences a willful and continuing disregard by Respondent of federal campaign finance rules governing corporate donations and the reporting of in-kind contributions.

The authorized committees of federal candidates were required to file a Pre-General Report with the FEC by October 23, 2008. Furthermore, authorized committees that receive contributions or make expenditures of \$50,000 or more must file all reports and statements electronically with the FEC. The Committee to Elect Steve O'Donnell filed a Pre-General Report with the FEC after the October 23, 2008, filing deadline. See Exhibit A. Moreover, the O'Donnell Committee's October Quarterly Report shows that contributions and expenditures clearly exceed the \$50,000 threshold for requiring the Committee to file electronically with the Commission. See Exhibit B. As such, the O'Donnell Committee clearly violated FEC regulations by failing to file its reports electronically and on time.

·320 First Street, S.E. Washington, D.C. 20003 (202) 479-7000

Paid for by the National Republican Congressional Committee and not Authorized by any Candidate or Candidate's Committee.

www.nrcc.org

In addition to the above-mentioned reporting violations, the O'Donnell Committee appears to have accepted prohibited in-kind contributions. An e-mail sent out by the O'Donnell Committee on July 30, 2008, announced the "Grand Opening of Steve O'Donnell's Westmoreland County campaign office...located at 116 North Main Street, 2<sup>nd</sup> Floor." See Exhibit C. In another email sent by the O'Donnell Committee on September 4, 2008, the O'Donnell campaign touts its three campaign offices around the district and listed the following locations:

- 116 North Main Street, Greensburg, PA (Westmoreland Office)
- 3760 Willow Ave. Castle Shannon, PA (Castle Shannon Office)
- 4099 William Penn Highway, Suite 104, Monroeville, PA (Monroeville Office)

#### See Exhibit D.

It appears O'Donnell has been paying rent on the Castle Shannon office. According to O'Donnell's October Quarterly FEC filing, the Committee reported rent payments made payable to William Nedzesky on August 13, 2008, and September 2, 2008. See Exhibit B. In addition, the Campaign Committee reported another rent payment to William Nedzesky on October 14, 2008, according to its Pre-General Report filed late on October 25, 2008. See Exhibit A. According to the Allegheny County property assessments, Nedzesky owns the property in Castle Shannon. See Exhibit E.

Interestingly, O'Donnell's reports disclose a payment for rent to a Roam Park, LLP located in Greensburg. See Exhibit F. This payment, however, was made on March 15, 2008, during the primary. Id. Supposedly, the Greenburg/Westmoreland office did not open until late July 2008. It is unclear for which office this rental payment applies.

Even if the payment to Roam Park was for rent, it appears it was paid once. O'Donnell's other FEC reports do not disclose any rent payments that can be easily identified with the Greensburg or Monroeville offices. See Exhibits A and B. The Greensburg office is owned by Professional Life Services, Inc. See Exhibit G. The Monroeville office is owned by Clairton Corporation, a business corporation registered in the state of Pennsylvania. See Exhibit H.

Commission regulations prohibit candidates from accepting contributions from the general treasury funds of any corporation. 11 C.F.R. § 114.2. Contributions aggregating over \$200 per election cycle must be reported by amount, date of receipt and contributor's full name and address, occupation and employer. 11 C.F.R. §102.9(a)(2), see also 11 C.F.R. §104.

The term "contribution" is defined to include "any gift, subscription, loan, advance, or deposit or money or anything of value made by any person for the purpose of influencing any election for Federal office." 2 U.S.C. §431(8)(A)(i), 11 C.F.R. § 100.52(a). Goods or services offered for free or at less than the usual charge result in in-kind contributions. 11 C.F.R. § 100.52(d)(1). In-kind contributions include facilities provided for a campaign office and are subject to the same limitations as contributions of money. 11 C.F.R. § 100.111(e)(1). Commission regulations plainly state that the use of a facility without the payment of rent results in an in-kind contribution.

The email sent by the O'Donnell Committee demonstrates that the campaign has offices in three locations. While the O'Donnell Committee reports rent payments for the Castle Shannon location, these payments are not made every month. Moreover, it is unclear to what the March 15, 2008 payment applied. It certainly appears that little or no rent has been paid for the Greensburg or Monroeville offices. As such, the use of all three offices by the O'Donnell Committee constitutes in-kind contributions to the extent the Committee has failed to pay the fair market rate for use of the offices. As evidenced by the October Quarterly FEC Report and the Pre-General Report, the O'Donnell Committee failed to report any in-kind contributions for rent to the FEC. See Exhibits A and B.

Furthermore, the Act strictly prohibits contributions from corporations, 2 U.S.C. § 441b. The Greensburg office is owned by Professional Life Services, Inc., and the Monroeville office is owned by the Clairton Corporation. Any contribution, including an in-kind contribution, from Professional Life Services, Inc. or the Clairton Corporation to the Campaign Committee is prohibited under law. Thus, any in-kind contribution resulting from the use of the Greensburg and Monroeville offices is prohibited and violates the Act.

Respondent O'Donnell has completely disregarded federal law by failing to file the O'Donnell Committee's Pre-General Report on time. In addition, the O'Donnell Committee's acceptance of in-kind contributions from corporations in the form of reduced or free rent, coupled with his failure to report those contributions are violations of the Act and Commission regulations.

Accordingly, we respectfully request that the Commission conduct an immediate investigation into the potential violations outlined above and impose the maximum penalty under law.

The foregoing is correct and accurate to the best of my knowledge, information and belief.

Respectfully submitted,

Elizabeth N. Beacham

District of Columbia Signed and sworn before me this 271h day of October, 2008.

Thursda W Beach

My Commission expires 5/14/2013

# **REPORT OF RECEIPTS**

FORM 3		SBURSEN Withorized Comm		Come	u Uae Only
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(a) Quarterly Re	Quarterly Report (Q1)		Primary (12P)  Convention (12C)	General (12G) Special (12S)	Runoff (12R)
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Signature of Treasurer		Mr Edward Guy K		Date 10	25 2008
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# **REPORT OF RECEIPTS**

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5. Covering Period	07 01	2008	through	9 30	2008
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Signature of Tressure		Mr Edward Guy K		Date 10	14 2008
Office Use Only PESAND18				Attachi	ment B

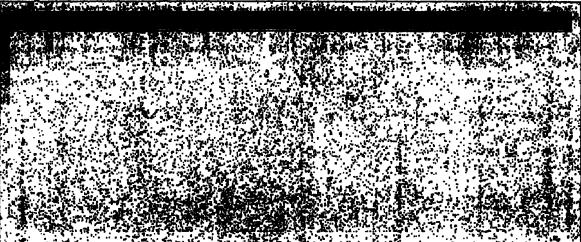
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SCHEDULE B (FEC Form 3) ITEMIZED DISBURSEMENTS	Use separate schedule(s) for each category of the Detailed Summary Page	FOR LINE (check only	
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Full Name (Last, First, Middle Initial) Monroeville Democrat Committee			Transaction ID: D189321 Date of Disbursement
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From: "Steve " < friends@electodonnell.com > Date: Thu, 04 Sep 2008 21:45:04 -0400

To: <u>@verizon.net</u>>
Subject: Our Final 60 Days!



### Dear Supporter,

It was an honor to march with the United Auto Workers and the Pittsburgh-Area Retiree Chapter of the American Postai Workers in the Pittsburgh Labor Day Parade on Monday. I would like to thank them, the United Steelworkers, and the Utility Workers of America for their continued support. I would also like to thank the tremendous group of volunteers who helped showcase the strength of our campaign.

We are only 62 days away from changing our representation in Congress. We are working really hard, and I know your help can provide the spark that will win this election. The perfect place to start is by helping us create a visual presence by stopping by one of our 3 campaign offices and picking up a yard sign. In fact, I encourage everyone to take not just 1 but several signs and pass them off to friends, neighbors, and family within the district.

The Polis show what we already know - If we are able to get our message out then we will win this race. We will be spreading this message to voters through our door knocking and phone banking efforts, which are already getting under way. In the South Hills we will be door knocking in Whitehail on Saturday (9/6), Dormont on Thursday (9/11), and Mt Lebanon on Saturday (9/13). In Westmoreland County we will be door knocking every "Inducation."

### **Upcoming Events**

Steve will be at the Penn Hills football game against Bethel Park on Friday September 5.
Steve will be at the Scott Township Democratic picnic on Saturday September 6.
Steve will be at the Westmoreland Fairgrounds for a Democratic Gun Bash on September 6.

#### News

We now have 3 fully operational offices!

Greensburg: 116 North Main Street Greensburg, PA 15601

Castle Shannon: 3760 Willow Ave

from 5-8pm and every Saturday in 2 shifts, one from 12-3pm and one from 3-6pm.

With your help we will reach the number of residents we need to win this race, but I cant do it alone. Please click here or e-mail Steve Hyozdovich (Allegheny and Washington County residents) or Brian VanKirk (Westmoreland County residents) and volunteer to help send Mr. Murphy into retirement.

Volunteering your time will go a long way towards helping me reach voters, and it is a small sacrifice when compared with what is at stake 2 more years of failed representation in Congress. I look forward to seeing you on the campaign trail.

Sincerely,

Steve O'Donnell

1-

Castle Shannon, PA 15234

Monroeville: 4099 William Penn Highway, Suite 104 Monroeville, PA 15146

# Paid for by O'Donnell for Congress

P.O. Box 722 Monroeville, PA 15146



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POWERED BY NGP SOFTWARE, INC.

10/23/2008 2:19:17 PM Search Page / Help / Home
General Information

OWNER GENERAL INFORMATION

Municipal Code: 813 CASTLE SHANNON

Parcel ID: 0191-R-00100-0000-00 School District: Keystone Oaks

Neighborhood Code: 813C4

Owner Name: NEDZESKY WILLIAM Property Location: 3760 WILLOW AVE

PITTSBURGH, PA 15234

Tax Code: **Taxable** Sale Date: 9/24/2004 Owner code: Regular Sale Price: \$10,000 State Code: Commercial Deed Book: 12203 **COMM AUX BUILDING** Use Code: Deed Page: 233 Homestead: Abatement: No No Farmstead: No Lot Area (SQFT): 4.015

2007 Market Value: \$5,000

Full Market Value County Assessed Value
Total Land Value \$2,000 Total Land Value \$2,000

Total Building Value \$3,000 Total Building Value \$3,000 Total Market Value \$5,000 Total Market Value \$5,000

**Address** Information

Tax Bili Mailing: NEDZESKY WILLIAM

3351 LIBRARY RD

PITTSBURGH, PA 15234-

Change Notice Mailing: 3351 LIBRARY RD

PITTSBURGH, PA 15234-

Property Assessments HomePage | Legal Disclaimer

#### Attachment E

FEC FORM 3	AND DIS	SBURSEMEN Luthorized Committee	_	CMic	is Use Only
1. NAME OF COMMITTEE (I	USE FEC MAIL (full) OR TYPE OR F	ING LABEL Example:If	typing, type		
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Signature of Treasure	Electronically Filed by	Mr. Edward Guy Klump		Date 0 6	0 6 2 0 0 8 Ities of 2 U.S.C 437g.
Office Use Only				•	

Attachment F

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SCHEDULE B (FEC Form 3 )	Use separate schedule(s)	FOR LINE	E NUMBER: PAGE 30/60			
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Full Name (Last, Skot, Middle Initial) Roam Park LLP			Transaction ID: S Date of Disbursem			
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<b></b>	State Zip Code PA 15601	201		abureament this Period		
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Full Name (Last, First, Middle Initial) Westmoreland County Dem Committee			Transaction ID: S Date of Disbursem	ent		
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Senate President State: District:	Primary General Other (specify)					
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Westmoreland home | e-services | real property | civil court | marriage license | estate search | log out

YOU 279 NOTO: homepage > e-services > real property search > real property search results > details

#### Assessor Ownership, Location, and Tax information

The below information represents all pertinent assessor data based upon the parcel number that you selected.

Tax information here is updated annually.

Registered users may log under their normal subscription for the most current information.

60

Ownership & Location Information

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Tax Information

back to too

Ownership & Location Info.

District:

**GREENSBURG CITY** 

**Current Owner:** 

PROFESSIONAL LIFE SERVICES INC

Owner Address:

101 N MAIN STREET

**GREENSBURG PA 15601** 

Map Number:

10-02-15-3-014-00-000

Description:

**LOT STORE** 

Lot Size:

50 X 100

Location:

116 N MAIN ST

Acres:

0.000

Land Value:

45500

Improvements Value:

22790

Total Value:

TTI GV

Deed Book/Page:

68290

403 / 9054

School District:

GREENSBURG SALEM

back to top

Tax information

Tax information here is updated annually. Registered users may log under their normal subscription for the most current information.

**Current Assessed Value:** 

6**B29**0

Land Use:

COMMERCIAL

Taxable/Exempt Status:

**TAXABLE** 1433.41

County Tax: Municipal Tax:

836.55

School Tax:

5042.53

Attachment G

 Tax - Special 1:
 0.00

 Tax - Special 2:
 614.61

 Tax - Special 3:
 0.00

 Total Tax :
 7927.10

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OWNER GENERAL INFORMATION Municipal Code: 879 MONROEVILLE

Parcel ID:

0743-H-00312-0000-00

School District:

Monroeville Gateway

Neighborhood Code: 879C3

Owner Name: **Property Location:**  **CLAIRTON CORPORATION** 4099 WILLIAM PENN HWY

**MONROEVILLE. PA 15148** 

Tax Code: Owner code: State Code:

**Taxable** Corporation Sale Date: Sale Price: 3/12/1982 \$510,000

Use Code:

Commercial OFFICE-ELEVATOR -3 + Deed Page:

Deed Book:

6444 655

STORIES

Abatement:

No

Homestead: Farmstead:

No No

Lot Area (Acres):

2.36

**County Assessed Value** 

2007 Market Value:

\$3,400,500

**Full Market Value** 

**Total Land Value** \$1,000,000 **Total Building Value** \$2,400,500

Total Land Value **Total Building Value Total Market Value** 

\$1,000,000 \$2,400,500

**Total Market Value** 

**\$**3,400,500

\$3,400,500

Address Information

Tax Bill Malling:

**4099 WILLIAM PENN HWY** 

MONROEVILLE, PA 15146-0000

Change Notice Mailing:

4099 WM PENN HWY

**MONROEVILLE, PA 15146-0000** 

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Attachment H



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# Business Entity Filing History

Date: 10/22/2008 (Select the link above to view the Business Entity's Filing History)

**Business Name History** 

Name Type
CLAIRTON CORPORATION Current Name

**Business Corporation - Domestic - Information** 

Entity Number: 746900
Status: Active
Entity Creation Date: 12/30/1981

Registered Office Address: 4099 WILLLIAM PENN HIGHWAY

STE 905

**MONROEVILLE PA 15148-0** 

Malling Address: No Address

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